

**AMENDMENTS TO THE CLAIMS**

1 (Canceled).

2 (Currently Amended). An apparatus comprising a structure sized and configured for implantation in tissue within a tongue to ~~fixate tissue~~ along a ~~pharyngeal conduit~~ an airway, the structure comprising a shape memory material dynamically changeable, when activated by external stimulus, from a first kinetic phase state having mechanical properties not significantly affecting native tongue tissue conditions to a second kinetic phase state different than the first kinetic phase state and comprising an elastically loaded condition having mechanical properties that fixate native tongue tissue conditions ~~assumes a desired mechanical condition in response to an activation force~~ to resist collapse of the tongue in ~~an~~ the airway.

3 (Previously Presented) (Withdrawn). An apparatus according to claim 2, wherein the shape memory material comprises a plastic material, and/or a fabric material, and/or a ceramic material, or a combination thereof.

4 to 10 (Canceled).

11 (Previously Presented) (Withdrawn). An apparatus according to claim 2, wherein the shape memory material comprises a shape memory ferromagnetic material.

12 (Previously Presented). An apparatus according to claim 2, wherein the shape memory material comprises a thermal shape memory material.

13 (Canceled).

14 (Currently Amended) (Withdrawn). An apparatus according to claim 2, wherein the ~~activation force~~ external stimulus includes a magnetic field, or temperature condition, or electromagnetic energy, or a combination thereof.

15 to 23 (Canceled).

24 (Previously Presented). A system comprising at least two apparatuses, at least one of the apparatuses comprising an apparatus as defined in claim 2.

25 (Previously Presented). A system according to claim 24, wherein at least two of the apparatuses comprise an apparatus as defined in claim 2.

26 to 28 (Canceled).

29 (Currently Amended). A method ~~for implanting an apparatus in a tongue~~ comprising ~~the steps of~~

providing at least one ~~apparatus as defined in claim 2~~ structure sized and configured for implantation in tissue within a tongue along an airway, the structure comprising a shape memory material dynamically changeable, when activated by external stimulus, from a first kinetic phase state having mechanical properties not significantly affecting native tongue tissue conditions to a second kinetic phase state different than the first kinetic phase state and comprising an elastically loaded condition having mechanical properties that fixate native tongue tissue conditions to resist collapse of the tongue in the airway, and

implanting the apparatus structure in a tongue when in the first kinetic phase state, and resisting collapse of the tongue in the airway by applying the external stimulus to change the first kinetic phase state to the second kinetic phase state.

30 to 46 (Canceled).

47 (Previously Presented). An apparatus according to claim 2, wherein the shape memory material comprises a metal material.

48 (Currently Amended). An apparatus according to claim 2, wherein the ~~activation force~~ external stimulus includes electrical energy.